1 The Honorable Thomas S. Zilly 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 WESTERN DISTRICT OF WASHINGTON 9 AT SEATTLE 10 JEANETTE M. WALLIS, NO. 2:13-cy-00040-TSZ Plaintiff, 11 **DECLARATION OF BRYAN** 12 GRAFF IN SUPPORT OF MOTION v. FOR APPROVAL OF BOND 13 BNSF RAILWAY COMPANY, NOTED ON MOTION CALENDAR: Defendant. June 6, 2014 14 15 BRYAN GRAFF declares as follows: 16 I am a member of Ryan Swanson & Cleveland, attorneys for defendant. I 1. 17 make this declaration based upon my personal, first-hand knowledge and a review of the files 18 and records. I am competent to testify and if called, would repeat and affirm each and every 19 statement herein. 20 2. Attached as Exhibit 1 is a true and correct copy of the Judicial Caseload Profile 21 for the U.S. Court of Appeals fo the Ninth Circuit, which I printed from the website for the 22 United States Courts on June 3, 2014, and which is available at: 23 http://www.uscourts.gov/viewer.aspx?doc=/uscourts/Statistics/FederalCourtManagem 24 entStatistics/2013/appeals-fcms-profiles-september-2013.pdf&page=21 25 26

DECLARATION OF BRYAN GRAFF IN SUPPORT OF MOTION FOR APPROVAL OF BOND - 1 NO. 2:13-cv-00040-TSZ



- 3. Attached as Exhibit 2 are true and correct copies of the Appellant's Brief and the Appellant's Reply Brief from the lawsuit captioned *Grimes v. BNSF Ry. Co.*, No. 13-60382, U.S Court of Appeals for the Fifth Circuit.
- 4. Attached as Exhibit 3 are true and correct copies of the Appellant's Brief and the Appellant's Reply Brief from the lawsuit captioned *Kuduk v. BNSF Ry. Co.*, No. 13-3326, U.S. Court of Appeals for the Eighth Circuit.

I declare under penalty of perjury under the laws of the state of Washington and the United States of America that the foregoing is true and accurate.

DATED this 6th day of June, 2014, at Seattle, Washington.

Bryan Graft

1 2

3 4

5

6 7

8

9

10

11

12

13 14

15

16

17

18

19

20

21

22

23 24

25

26

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury under the laws of the State of Washington and the United States of America that on June 6, 2014, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel for plaintiff:

> Bradley K. Crosta CROSTA AND BATEMAN 999 Third Avenue, Suite 2525 Seattle, WA 98104-4089 Telephone: (206) 224-0900 Facsimile: (206) 467-8028 bcrosta@aol.com

William G. Jungbauer YAEGER & JUNGBAUER BARRISTERS, PLC 2550 University Ave. W., Ste. 345N St. Paul, MN 55114 Telephone: 651-288-9500 Facsimile: 651-288-0227 wjungbauer@yjblaw.com

DATED this 6th day of June, 2014, at Seattle, Washington.

/s/ Bryan C. Graff

James M. Shaker, WSBA #13355 Bryan C. Graff, WSBA #38553 Teruyuki S. Olsen, WSBA #40855 Attorneys for Defendant 1201 Third Avenue, Suite 3400 Seattle, Washington 98101-3034 Telephone: (206) 464-4224 Facsimile: (206) 583-0359 shaker@ryanlaw.com graff@ryanlaw.com olsen@ryanlaw.com

DECLARATION OF BRYAN GRAFF IN SUPPORT OF MOTION FOR APPROVAL OF BOND - 3